

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi-110003

Dated: February, 2024

To,

The Addl. Chief Secretary (Forests)

Government of Odisha

Bhubaneswar.

Sub: Proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 34.63 ha (out of 35.985 ha applied for) of Revenue Forest land for establishment of 2 x 350 MW coal based TPP at Sahebganj and Barpali villages under Lakhanpur Tehsil in Jharsuguda district by M/s Ind-Barath Energy (Utkal) Limited - regarding.

Madam/Sir,

I am directed to refer to the State Government of Odisha's letter No. 10F (Cons)21/2014/2014/1336/F&E dated 20.01.2015 on above subject seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to say that after examination of the proposal the following shortcoming has been observed:

- i. As per the land use submitted along with the proposal, the total forest land involved in the project of the user agency is 35.985 ha. Moreover, the Hon'ble High Court in its order dated 4.09.2023 has also observed that total area of the forest land including the encroached land over 35.985 ha is the subject matter of the diversion proposal. Ironically, the proposal for diversion of forest land has been submitted only for 34.63 ha excluding 1.355 ha of forest land. Reason and justification for the same needs to be furnished by the State Government.
- ii. DSS examination of the patches revealed that 5 patches of CA involves area up to 1 ha. As per the existing guidelines, the minimum area of patch should be of 5 ha to ensure its better management while no area limit is prescribed in case the land identified is contiguous to the forest land. The State Government may therefore, re-confirm the suitability of these smaller patches identified for raising CA in terms of relevant guidelines of the Ministry.
- iii. The DCF and Nodal Officers have reported two different figures of the area under encroachment viz. 14.52 acres and 9.34 acres. The State Government may therefore, inform the detail of the exact area encroached by the user agency by way of illegal or unauthorized construction or by way of illegal possession of the forest land.
- iv. From the joint inspections of the area carried out by the State Forest

Department at different interval of time, it may be ascertained that user agency has been continuing the use of these forest land since 2014 despite being report violation of the Adhinyam. The State Government may submit its comments on action taken by the officers concerned to stop the illegal construction and occupation of the forest land by the user agency.

In view of above, the State Government is requested to submit information/documents as indicated above, for further necessary action in the matter.

Yours faithfully,



(Amit Anand)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. The Dy. DGF (Central), Regional Office, Bhubaneswar at MoEF&CC
3. The Nodal Officer (FCA), O/o PCCF, Government of Odisha, Bhubaneswar.
4. User Agency
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.